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PTO/SB/05 (03-01)

Approved for use through 10/31/2002, OMB 0651-0032

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JC885 U.S. PTO  
12/4/01

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	38137-0019
First Inventor	BRUST et al
Title	Peptides Derived from a Retrovirus of the HIV Group and Their Use
Express Mail Label No	

10003610  
1103610  
12/04/01

10003610  
1103610  
12/04/01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 35]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C.113) [Total Sheets 3]  
[Total Pages 2]
5. Oath or Declaration [Total Pages 2]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63 (d))  
     (for a continuation/divisional with Box 18 completed)  
 i.  **DELETION OF INVENTOR(S)**  
     Signed statement attached deleting inventor(s)  
     named in the prior application, see 37 CFR  
     1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 C.F.R. §3.73(b) Statement  Power of Attorney (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: Submission of Sequence Listing

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No. 09 / 131,551 which is a divisional of application No. 08/394,021

Prior application information.

Examiner J. Parkin

Group / Art Unit: 1648

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label  
(Insert Customer No. or Attach bar code label here) or  Correspondence address below

Name	Patricia Granados Heller, Ehrman White & McAuliffe				
Address	1666 K Street, N.W. Suite 300				
City	Washington	State	DC	Zip Code	20006
Country	United States	Telephone	(202) 912-2000		Fax (202) 912-2020

Name (Print/Type) <i>Colin G. Sandercock</i>	Registration No. (Attorney/Agent) 31,298
Signature <i>Patricia J. Granados</i>	Date December 4, 2001

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

**TOTAL AMOUNT OF PAYMENT** (\$ 932

Complete if Known	
Application Number	Divisional of S N 09/131,551
Filing Date	Herewith - December 4, 2001
First Named Inventor	BRUST et al
Examiner Name	Unassigned
Group / Art Unit	Unassigned
	Attorney Docket No. 38137-0019

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to.

Deposit Account Number

08-1641

Deposit Account Name

Heller Ehrman White & McAuliffe

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

### SUBTOTAL (1)

(\$ 740)

### 2. EXTRA CLAIM FEES

Total Claims	26	-20 **	6	X	18	=	108	Extra Claims	Fee from below	Fee Paid
Independent Claims	4	-3 **	1	X	84	=	84			
Multiple Dependent				X		=	0			

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

### SUBTOTAL (2)

(\$ 192)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					

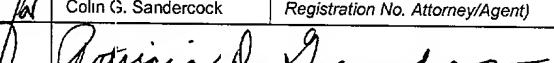
\*Reduced by Basic Filing Fee Paid

### SUBTOTAL (3)

(\$ 0)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Colin G. Sandercock	Registration No. Attorney/Agent)	31,298	Telephone	(202) 912-2000
Signature		33683	Date	December 4, 2001	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement. This form is estimated to take 0 2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

26633

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 38137-0019

In re patent application of:  
Brust et al.

Divisional of Appln. No.09/131,551 Art Unit: Unassigned

Filed: Herewith – November 29, 2001 Examiner: Unassigned

For: Peptides Derived From A Retrovirus of the HIV Group and Their Use

## **SUBMISSION OF SEQUENCE LISTING**

UNDER 37 C.F.R. §1.821(e)

Commissioner of Patents  
Washington, DC 20231

Sir:

Applicants refer to the Sequence Listing filed on March 16, 1999 in the parent application S.N. 09/131,551, which contains sequence information identical to that of the present application. Applicants hereby request, that the Sequence Listing of the parent application be used to fulfill the sequence disclosure requirements for the application in caption pursuant to 37 C.F.R. § 1.821(e). Enclosed are copies of the Sequence Listing and Statement to Support Filing and Submission in accordance with 37 C.F.R. §§ 1.821 and 1.825, which were filed in the parent application.

Applicants respectfully request examination of the instant application on the merits in due course

Respectfully submitted,

Date: December 4, 2001

**Heller Ehrman White & McAuliffe LLP**  
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Washington, D.C. 20006-4004  
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*Patricia Q. Granados*  
Colin G. Sandercock 33,683

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Customer No. 26633



26633

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 58315/106

In re patent application of  
Stefan Brust, et al.

Serial No. 08/394,021 Group Art Unit: Unknown

Filed: February 23, 1995 Examiner: Unknown

For: PEPTIDES DERIVED FROM A  
RETROVIRUS OF THE HIV  
GROUP AND THEIR USE

STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box SEQUENCE

sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter; and

2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

May 8, 1943  
Date.)

Courtenay C. Brinckerhoff  
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